



Senate

General Assembly

File No. 245

February Session, 2010

Substitute Senate Bill No. 218

Senate, April 1, 2010

The Committee on Human Services reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SAFE HAVEN CASES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-59 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) Not more than twenty-four hours after taking physical custody
4 of the infant the [designated] employee designated pursuant to section
5 17a-57 shall notify, in accordance with the provisions of sections 17a-
6 101a to 17a-101d, inclusive, the Department of Children and Families
7 of such custody.

8 (b) The Commissioner of Children and Families shall assume the
9 care and control of the infant immediately upon receipt of notice under
10 subsection (a) of this section. [and] Any infant in the care and control
11 of the commissioner under the provisions of this section shall be
12 considered to be in the custody of the department and the department
13 shall take any action authorized under state law to achieve safety and
14 permanency for the infant, including institution of legal proceedings

15 for guardianship or termination of parental rights. The department
16 shall provide notification of such legal proceedings to any parent of an
17 infant when the identity of the parent is known to the department.

18 [(c) Any infant in the care and control of the commissioner under
19 the provisions of this section shall be considered to be in the custody of
20 the department.]

21 Sec. 2. Section 17a-60 of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective July 1, 2010*):

23 (a) If a person claiming to be a parent or agent of an infant [left
24 with] surrendered to a designated employee under section 17a-58, as
25 amended by this act, submits a request to the Commissioner of
26 Children and Families for reunification with the infant, the
27 commissioner may identify, contact and investigate such person or
28 agent to determine if such reunification is appropriate or if the
29 parental rights of the parent should be terminated.

30 (b) Information concerning a parent or agent, or an infant [left with]
31 surrendered to a designated employee, shall [be confidential] not be
32 disclosed by the designated employee, if so requested by the parent or
33 agent, except that notwithstanding any provision of the general
34 statutes, such employee shall (1) provide to the Commissioner of
35 Children and Families all medical history information provided by the
36 parent, and (2) provide to the Commissioner of Public Health, the
37 name and date of birth of the infant if the infant's birth has been
38 registered in the state vital records system prior to the surrender of the
39 infant, for the sole purpose of sealing the infant's original birth record.
40 The infant's name and date of birth shall not be disclosed on the report
41 of a foundling child described in section 7-59.

42 (c) Possession of a bracelet linking the parent or agent to an infant
43 [left with] surrendered to a designated employee if parental rights
44 have not been terminated creates a presumption the parent or [person]
45 agent has standing to participate in a custody hearing for the infant
46 under chapter 319a [and] but does not create a presumption of

47 maternity, paternity or custody.

48 Sec. 3. Section 17a-58 of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective July 1, 2010*):

50 (a) An employee designated pursuant to section 17a-57 shall take
51 physical custody of any infant thirty days or younger if the parent or
52 lawful agent of the parent voluntarily surrenders physical custody of
53 the infant to such designated employee unless the parent or agent
54 clearly expresses an intent to return for the infant.

55 (b) If the mother of an infant wishes to voluntarily surrender
56 physical custody of the infant while the mother is in the hospital to
57 give birth to the infant, the mother shall provide notice that she wishes
58 to surrender physical custody of the infant, in writing, on a form
59 prescribed by the Commissioner of Children and Families, and deliver
60 such notice to any hospital employee. Upon receipt of such notice, the
61 hospital employee shall notify the designated employee pursuant to
62 section 17a-57, who shall immediately take physical custody of the
63 infant.

64 ~~[(b)]~~ (c) The designated employee may request the parent or agent
65 to provide (1) the name of the parent or agent, [and] (2) information on
66 the medical history of the infant and parents, and (3) the infant's name
67 and date of birth if the infant's birth has been registered in the state
68 vital records system prior to the surrender of the infant. [The]
69 Notwithstanding such a request from the designated employee, the
70 parent or agent is not required to provide such name or information.
71 The designated employee may provide the parent or agent with a
72 numbered identification bracelet to link the parent or agent to the
73 infant. The bracelet shall be used for identification only and shall not
74 be construed to authorize the person who possesses the bracelet to take
75 custody of the infant on demand. The designated employee shall
76 provide the parent or agent with a pamphlet describing the process
77 established under sections 17a-57 to 17a-61, inclusive, as amended by
78 this act, 53-21 and 53-23.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2010</i>	17a-59
Sec. 2	<i>July 1, 2010</i>	17a-60
Sec. 3	<i>July 1, 2010</i>	17a-58

HS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various changes to the state's Safe Haven law that result in no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 218*****AN ACT CONCERNING SAFE HAVEN CASES.*****SUMMARY:**

This bill specifies a process that permits a new mother to use the Department of Children and Families' (DCF) Safe Haven Program to surrender her infant without having to leave the hospital. It also provides for reporting information about the birth to the Department of Public Health (DPH); weakens the law's confidentiality provisions; and requires DCF to notify any parent of a surrendered infant, if it knows his or her identity, of any legal proceedings it initiates, such as termination of parental rights.

EFFECTIVE DATE: July 1, 2010

SAFE HAVEN REVISIONS***Surrendering a Child Born in a Hospital***

The safe haven law requires hospitals to designate a place in their emergency room (ER) where a parent or a parent's legal agent can surrender an infant up to 30 days old without facing arrest for abandonment. Hospitals must designate their ER staff to take custody of these babies and have a designated employee on duty at all times.

The bill sets up a process for a mother (but not a father or parental agent) who gives birth in a hospital to surrender the baby without having to go to the ER. It permits the mother to give written notice to any hospital employee that she wishes to surrender voluntarily custody of the baby. The notice must be on a DCF-prescribed form. An employee who receives such a notice must notify the designated ER employee who must immediately take custody of the infant.

Birth Information

The bill adds to the information the designated ER employee may ask the parent or agent to provide when the baby is surrendered. It allows the employee, if the birth has been registered in the state's vital records system before the surrender, to ask the infant's name and birth date (presumably, the employee can also ask whether the birth has been registered). Under current law, the designated employee can ask for the parent or agent's name and medical history on the surrendered infant and his or her parents. By law, the parent or agent need not provide this information.

The bill requires the ER employee to give this information to DPH for the sole purpose of sealing the infant's original birth record. The bill specifies that the infant's name and birth date cannot be disclosed on the report DCF (as the agency taking custody of the baby) must, by law, make about the baby to the registrar of vital statistics of the town where the baby was surrendered.

Confidentiality

Under current law, any information about the infant, parents, or legal agent is confidential, except for any medical history a parent provides, which must be disclosed to DCF. The bill, instead, prohibits the designated employee from disclosing any information, but only if the parent or agent requests this. And it does not limit disclosure by parties, such as DCF or DPH (see below), that may obtain information from the designated employee.

Legal Proceedings after Surrender

The law requires DCF to take any lawful action to achieve safety and permanency for an infant surrendered under the Safe Haven law. The bill specifies that these actions include starting proceedings to terminate parental rights and establish guardianship. And it requires DCF to notify any parent of a surrendered infant of the proceedings, if it knows her or his identity.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/18/2010)